

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 10

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SAM H. JABERI
and J. MARTIN HADANK

Appeal No. 95-2925
Application 08/162,820¹

ON BRIEF

Before URYNOWICZ, LEE and CARMICHAEL, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judge.

Decision on Appeal

This appeal is from the final rejection of claims 10-15, 19, 29 and 30, all the claims pending in the application.

¹ Application for patent filed December 3, 1993. According to appellants, this application is a continuation of Application 07/987,093, filed December 7, 1992, now abandoned, which is a continuation of Application 07/579,015, filed September 7, 1990, now abandoned.

The invention pertains to an apparatus and method of monitoring engine parameters.

Claim 10 is illustrative and reads as follows:

10. An apparatus for monitoring a plurality of different parameters related to the operating condition of an engine powered device, comprising:

a plurality of sensors each sensing a different one of the plurality of operating parameters of the engine powered device and each producing a parameter signal representative of the parameter being sensed;

processor means for receiving said parameter signals, processing each of said parameter signals and determining which ones of the parameter signals are at an undesirable operating condition, classifying each parameter signal having an undesirable operating condition into one of a preselected number of warning levels with respect to the severity of said undesirable operating condition, selecting those classified parameter signals being at the highest warning level, and producing a sequence of individual display control signals at spaced time intervals of those parameter signals having the highest warning level, each display control signal of the sequence of display control signals being related to a particular one of only the classified parameters having the highest warning level; and

a first display having a plurality of selectively energizable segments arranged in a preselected pattern and being connected to said processor means, said first display receiving said sequence of display control signals and energizing a selected one of said plurality of segments corresponding to the individual display signal being received at that time in the sequence and visually indicating the magnitude of the individual sensed parameter.

The references relied upon by the examiner as evidence of obviousness are:

Pomerantz 1978	4,072,924	Feb. 7,
Yashima et al. (Yashima)	4,072,925	Feb. 7, 1978
Kawasaki et al. (Kawasaki) 1987	4,688,029	Aug. 18,
Woodell	4,890,088	Dec. 26, 1989

The appealed claims stand rejected as follows:

Claims 10 and 19 stand rejected under 35 U.S.C. § 103 as unpatentable over Woodell in view of Pomerantz.

Claims 11, 13-15 and 29 stand rejected under 35 U.S.C. § 103 as unpatentable over Woodell, Pomerantz and Kawasaki.

Claims 12 and 30 stand rejected under 35 U.S.C. § 103 as unpatentable over Woodell, Pomerantz, Kawasaki and Yashima.

The respective positions of the examiner and the appellants with regard to the propriety of these rejections are set forth in the final rejection (Paper No. 25) and the examiner's answer (Paper No. 28) and the appellants' brief (Paper No. 27).

Appellants' Invention

Appellants' invention is as described at 3. SUMMARY OF THE INVENTION, pages 2-4 of their brief. The nature of the invention is readily apparent from claim 10, reproduced above.

The Rejection under 35 U.S.C. §103

Independent Claims 10 and 19

After consideration of the positions and arguments presented by both the examiner and the appellants, we have concluded that the rejection should not be sustained. Neither reference, Woodell or Pomerantz, discloses selecting classified parameter signals being at the highest warning level, and producing a sequence of individual display control signals at spaced time intervals of those signals. Woodell does not select such signals. Woodell is concerned with

displaying warning signals as they occur, with no regard as to their relative importance.

Pomerantz selects one parameter warning signal, that which represents the highest warning level at any given time. This is evident from the fact that at column 3, lines 62-68, and column 4, lines 53-58, the message display system is disclosed as effective to display a message to a vehicle operator corresponding only to the highest priority event (warning) when a plurality of events occur concurrently. A second, serious condition of the engine would not be displayed sequentially to the operator. The condition would apparently go unannounced to the operator until the more serious highest priority event is cured.

We do not agree with the examiner's position with respect to Woodell and Pomerantz that,

“... it would have been obvious to group these sensed parameter signals together as one group and displaying these sensed parameter signals with the same highest warning levels first since it requires immediate action by the operator.”

The mere fact that the prior art may be modified in the manner suggested by the examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992).

Although the prior art may be modified in the manner suggested by the examiner, the suggestion to modify the combined teachings of the two references is from the examiner, not the prior art.

Woodell and Pomerantz fail to suggest any motivation for, or desirability of, the changes espoused by the examiner. The fact that the invention of Woodell could, by chance, simultaneously give two or more warning signals as to diverse but serious engine conditions (i.e.,

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high engine temperature and low engine oil pressure) is not suggestive of the invention, when considered with Pomerantz. There appears to be no suggestion in the prior art to display sequentially only the highest level warning signals. Accordingly, we will not sustain the rejection of claims 10 and 19.

Because dependent claims 11-15, 29 and 30 are rejected over the prior art applied against independent claims 10 and 19 further in view of Kawasaki or Kawasaki and Yashima, the rejection of these claims will not be sustained.

REVERSED

STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)
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